

REMARKS

The Official Action of June 13, 2008, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 22-27, 29-31 and 33, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Independent claim 21 has been canceled and new independent claim 33 added. Claims 22-27, 29-31 and 33 remain in the application for consideration.

In response to the Examiner's objection to claims 21 and 27 and rejection of claims 21 and 27 and rejection of claims 21-32 under 35 U.S.C. §112, second paragraph, Applicant has drafted new independent claim 33 and amended claim 27 to eliminate each of the problems identified by the Examiner, with the exception of changing "the axis" to "an axis", as "the" axis claimed is inherent to the security key and requires no further antecedent basis.

Applicant respectfully submits that the Examiner's objection to claims 21 and 27 and rejection of claims 21-32 have now been overcome.

The Examiner has further rejected claims 21-23, 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over Lerchner '611 in view of Leuling '669 in further view of Bishop '605 and Flies '569; claims 27, 28 and 31 under 35 U.S.C. §103(a) as being unpatentable over Lerchner in view of Leuling in further view of Bishop; claim 24 under 35 U.S.C. §103(a) as being unpatentable over Lerchner '611 in view of Leuling '669 in further view of Bishop '605 and Flies '569 and further in view of Tanaka '736; claims 29, 30 and 32 under 35 U.S.C. §103(a) as being unpatentable over Lerchner '611 in view of Leuling '669 in further view of Bishop '605 and further in view of Tanaka '736. Applicant respectfully traverses these rejections as applied to new independent claim 33 and amended independent claim 27 and claims dependent therefrom.

Applicant respectfully submits that Lerchner does not teach or show:

(1) Bores (5) having control areas on an upper side (11) and edges (70) of the shank, as claimed. There are no bores whatever having control areas on the Lerchner key;

(2) An open recess provided on the upper side of the extended shank region along and on the longitudinal axis of the security key. The Examiner maintains that Flies

teaches an equivalent recess 21 having a storage module 14 therein making it obvious to move the Lerchner storage module 20 from its present location to that shown by Flies.

Applicant does not agree.

First, Applicant notes that the Flies recess 21 is not an "open" recess as claimed, as it is closed by access door 24. Further, Flies clearly does not disclose a security key but an electrical key-like device. The purpose of the key-like device is the data transfer. The device is used in combination with an electronic circuitry system, such as computers, that interface with the key-like device. The key-like devices must be made of plastic (not metal, as claimed), as it has contact electrodes 16 to carry a current. When the key-like device is inserted into a key way 53 and turned properly, the electrodes 16 contact receptacle contacts 42 in order to transfer relatively large amounts of data bits. Flies does not disclose or suggest a lock unity nor a security key. The key-like device is therefore clearly not a security key but a device for only transferring data.

Clearly, one skilled in the art of electronic locking devices would not look to the art of microelectronic memory devices for teachings for use in the security key art. Indeed, the Examiner has provided no reasonable explanation

for using a closed recess in a plastic key-like device as a teaching of the claimed open recess in a metal security key.

(3) A cap formed as a unit engageable over an upper side and a lower side of the mechanical part and the extended shank region.

It is perfectly clear that Lerchner has no cap whatever as claimed. The elements "3 13" of Lerchner identified by the Examiner as a "cap" are a recess 3 and carrier 13 which have no structural equivalency at all to the claimed cap. Given that Lerchner has no cap, there is no basis for combining the cap of Leuling over the key of Lerchner in the manner claimed. Even further removed from the Examiner's combination of the Lerchner key with the Leuling cap is the Examiner's further modification of the Leuling cap with the "slots" of Bishop, given that there is no reasonable justification in the first instance for the Lerchner-Leuling combination.

Applicant submits that, absent any reasonable explanation, the only teaching of the above combinations is the Examiner's use of Applicant's disclosure as a road map for assembling a group of elements that have no obvious structural relationship to one another.

(4) At least one pocket ... recessed on a wall of the chamber.

None of the cited prior art teach or show a pocket... recessed in a wall of the chamber.

(5) The cap is latched to a recess on the extended shank region.

None of the cited prior art teach a cap latched to a recess on the extended shank region.

(6) Finally, even if there were a teaching of all of the above prior art combinations (not admitted), Applicant submits there is no teaching whatever of the claimed caps' relative location to the elements claimed on the security key when the cap is secured on the key as set out in the last paragraph of either independent claim 33 or 27.

Applicant respectfully submits that the claimed invention patentably defines over the cited prior art combinations on the basis of at least the structural differences identified above.

If the Examiner intends to maintain the above rejections based on the Examiner's expansive description of the structural elements involved, Applicant respectfully requests a telephone conference with the Examiner and her


supervisor before any further action is taken on the above response.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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